

**REMARKS**

This is in response to the Office Action in the above-identified application in which the Examiner issued a restriction requirement as follows:

- Group 1: Claims 1-5, 8-13, 23 and 24 drawn to an E. coli;
- Group 2: Claims 6 and 18-22 drawn to a method of producing L-threonine;
- Group 3: Claims 7 and 17, drawn to the pT7 $\Delta$ pckA::loxpcat plasmid; and
- Group 4: Claims 14-16 drawn to a method to inactivate a microbial *pckA*

gene.

Applicants hereby elect Group 1, Claims 1-5, 8-13, 23 and 24 for prosecution on the merits in the present application, with traverse. The remaining claims may be considered withdrawn in this application.

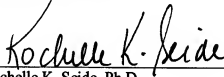
Applicants expressly reserve the right to have the Group 2 claims (6 and 18-22) rejoined with the Group 1 claims upon a finding that the Group 1 claims constitute allowable subject matter.

Applicants also expressly reserve the right to prosecute the subject matter of the non-elected (withdrawn) claims in further divisional application(s).

Appln. No. 10/817,044  
Reply to Office action of August 1, 2006  
Response dated August 31, 2006

Applicants believe that no additional fees are required in connection with this response. However, if additional fees are required, the Commissioner is hereby authorized to charge any additional payment, or credit any overpayment, to Deposit Account No. 01-2300, **referencing Docket Number 027707.00013.**

Respectfully submitted,

A handwritten signature in black ink, reading "Rochelle K. Seide". The signature is written over a horizontal line.

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### **FEE CALCULATION**

Any additional fee required has been calculated as follows:

☒ If checked, "Small Entity" status is claimed.

	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY			LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'L FEE	OR	RATE	ADD'L FEE
TOTAL CLAIMS	13 MINUS	20	= 0	x \$25	\$		x \$50	\$0.00
INDEP CLAIMS	4 MINUS	3	= 0	x \$100	\$		x \$200	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180	\$	OR	+ \$360	\$0.00
					\$			\$0.00

The U.S. Patent and Trademark Office is hereby authorized to charge and deficiency or credit any overpayment of fees associated with this communication to Deposit Account No. 01-2300 referencing docket number 027707.00013.